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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,006	01/23/2002	Cory L. Factor	32938.1	1220
32300 7590 09/05/2007 BRIGGS AND MORGAN P.A. 2200 IDS CENTER 80 SOUTH 8TH ST MINNEAPOLIS, MN 55402			EXAMINER NGUYEN, PHUOC H	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/053,006

Applicant(s)

FACTOR, CORY L.

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on June 1, 2007, PROSECUTION IS HEREBY REOPENED. New office action is set forth below.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: The applicant is advised to incorporate the term indicia into the specification.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5, 7-9, 12, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sull et al. (Hereafter, Sull) Pub. No.: U.S. 2003/0177503.
5. Regarding claim 1, Sull discloses in Figures 1A-1D a method for providing content in at least one electronic format to a distributed network, method comprising: providing the content in the at least one electronic format to a computer (e.g. Figures 1A-D; page 4 paragraph [0054]; and page 6 paragraph [0094]); capturing the content as an electronic file on the computer (e.g. page 9

Art Unit: 2143

paragraph [0136]); providing indicia in a separate electronic file for segmenting the electronic file into video segments in an electronic format to the computer (e.g. page 19 paragraphs [0257, 0259]); associating the identifying indicia with the electronic file (e.g. page 6 paragraph [0095]); using the indicia to convert the file into video segments in a format suitable for distribution over the distributed network (e.g. page 8 paragraph [0012]; page 9 paragraph [0136]; and page 19 paragraph [0259]); and providing the file and associated identifying indicia to a server accessible over the distributed network (e.g. page 8 paragraph [0120]; and page 19 paragraph [0259]).

6. Regarding claim 2, Sull further discloses the content comprises a live video feed (e.g. Abstract; and page 3 paragraph [0033]).

7. Regarding claim 5, Sull further discloses the content includes a live video feed and at least additional content in at least one additional format from the group including text, audio, or graphics (e.g. page 3 paragraph [0034]).

8. Regarding claim 7, Sull further discloses the content is a television news broadcast and includes information in video format and at least additional content in at least one additional format from the group including text, audio, or graphics (e.g. page 8 paragraph [0127]).

9. Regarding claim 8, it is a program claim of claim 1. Thus, claim 8 is also rejected under the same rationale as cited in the rejection of rejected claim 1.

10. Regarding claim 9, it is a program claim of claim 2. Thus, claim 9 is also rejected under the same rationale as cited in the rejection of rejected claim 2.

11. Regarding claim 12, it is a program claim of claim 5. Thus, claim 12 is also rejected under the same rationale as cited in the rejection of rejected claim 5.

Art Unit: 2143

12. Regarding claim 15, the distributed network is the internet (e.g. page 7 paragraph [0103]).

13. Regarding claim 16, it is a program claim of claim 7. Thus, claim 16 is also rejected under the same rationale as cited in the rejection of rejected claim 7.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3, 4, 6, 10, 11, 13, and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Sull in view of Schrader et al. (Hereafter, Schrader) U.S. Pub. No.: 2002/0166123.

Re claims 3, 4, and 6, Sull teaches a method for providing content and associated identifying indicia to a server accessible over a distributed network wherein the identifying indicia comprises metadata including start and stop time (e.g. Figure 2; page 7 paragraphs [0108-0109]) the distributed network is the internet (e.g. page 7 paragraph [0103]); however, Sull fails to teach the metadata including the hypertext links.

Schrader teaches a method for providing the metadata including the hypertext links to the user (e.g. Figures 16c and 17c; page 5 paragraph [0056]; page 15 paragraph [0134]).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Schrader's teaching into Sull's method to provide the

metadata including the hypertext links to the user in order to enhanced navigation tool to permit the viewer to perform an informed search for a particular program.

16. Regarding claim 10, it is a program claim of claim 3. Thus, claim 10 is also rejected under the same rationale as cited in the rejection of rejected claim 3.

17. Regarding claim 11, it is a program claim of claim 4. Thus, claim 11 is also rejected under the same rationale as cited in the rejection of rejected claim 4.

18. Regarding claim 13, it is a program claim of claim 6. Thus, claim 13 is also rejected under the same rationale as cited in the rejection of rejected claim 6.

19. Regarding claim 14, it is a program claim of claim 3. Thus, claim 14 is also rejected under the same rationale as cited in the rejection of rejected claim 3.

### *Conclusion*

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ullman et al. U.S. Pub. 2003/0084444

Jain et al. U.S. Pub. 2001/0018693

Jain et al. U.S. Patent 6,360,234

Fuller et al. U.S. Patent 6,877,134

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919.

The examiner can normally be reached on Monday - Friday.

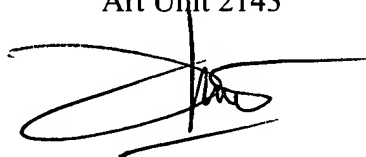
Art Unit: 2143

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen  
Examiner  
Art Unit 2143

August 27, 2007

A handwritten signature in black ink, appearing to be 'Phuoc H Nguyen', written over the printed name and title.